

EXHIBIT 12

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HARRIET LANE,)
)
 Plaintiff,)
) C.A. NO. 4:19-cv-00435
 VS.)
)
 SIEMENS ENERGY, INC.,)
)
 Defendant.)

ORAL DEPOSITION OF
LINDA HUBBARD
February 6, 2020

ORAL DEPOSITION OF LINDA HUBBARD,
produced as a witness at the instance of the
PLAINTIFF, and duly sworn, was taken in the
above-styled and numbered cause on February 6, 2020,
from 10:12 a.m. to 10:47 a.m., by machine shorthand
before MICHELLE R. PROPPS, CSR, in and for the State
of Texas, reported at the offices of BakerHostetler,
811 Main Street, Suite 1100, Houston, Texas,
pursuant to the Federal Rules of Civil Procedure and
the provisions stated in the record or attached
hereto.

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12	Exhibit 5	Memo Dated 2-13-17 (Davis to Lane) (Bates No. Siemens-Lane 000060-62)..	10
13	Exhibit 6	Performance Improvement Plan Dated 5-22-17 (Bates Nos. Siemens-Lane 000063-64).....	16
14	Exhibit 7	Product Costing/DG Commercial BA Organization (Bates No. Siemens-Lane 000839).....	20
15	Exhibit 8	Quality Organization Org Chart (Bates No. Illegible).....	25

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APPEARANCES

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* * * * *

LINDA HUBBARD,

having been first duly sworn, testified as follows:

EXAMINATION

QUESTIONS BY MR. ASHOK BAIL:

Q. Can you please state your full name and spell it out for the Court, please.

A. Linda, L-I-N-D-A, Sue, S-U-E, Hubbard,
H-U-B-B-A-R-D.

Q. Thank you. Ms. Hubbard, have you ever had your deposition taken before?

A. Yes, I have.

Q. When was the last time?

A. About 2005.

Q. Okay. Let me go over a few guidelines that will help the deposition. I'm sure your attorney has already gone over them with you. One is whenever I ask a question, wait for me to fully ask the question before responding. And, likewise, I'll do my best to wait for you to respond before I ask another question. Okay?

A. Yes.

Q. Another thing that's important is to make sure that your responses are verbal so that the court reporter can transcribe them, instead of hand motions and -- like, I would be difficult in

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<p>1 deposition because I do a lot of hand motions. But</p> <p>2 don't do that. If you need a break, please let me</p> <p>3 know and we can take a break. I don't think this</p> <p>4 deposition is going to be longer than an hour, but</p> <p>5 if you still need a break, no problem. Okay?</p> <p>6 A. Yes.</p> <p>7 Q. All right. Prior to attending this</p> <p>8 deposition today, did you review any documents?</p> <p>9 A. Yes.</p> <p>10 Q. Can you recall which documents those</p> <p>11 were?</p> <p>12 A. I reviewed my emails.</p> <p>13 Q. Anything else?</p> <p>14 A. That's it.</p> <p>15 Q. Okay. And did you speak to any other</p> <p>16 individuals in your preparation for this deposition?</p> <p>17 A. No.</p> <p>18 Q. So how long have you worked for Siemens?</p> <p>19 A. I started February the 14th of 2005.</p> <p>20 Q. And what position did you start at?</p> <p>21 A. Human resource manager.</p> <p>22 Q. And prior to that, how long had you been</p> <p>23 with the human resources work?</p> <p>24 A. Fifteen years.</p> <p>25 Q. Okay. And are you still currently human</p>	<p>1 During the time period of your</p> <p>2 employment with Siemens, how many complaints of</p> <p>3 discrimination have you investigated?</p> <p>4 MS. GRANT: Objection; form.</p> <p>5 Q. (By Mr. Bail) You understand the</p> <p>6 question?</p> <p>7 A. Yes, I do understand the question.</p> <p>8 Q. Okay.</p> <p>9 A. I was trying to think if I had any.</p> <p>10 None.</p> <p>11 Q. Okay. Harriet Lane made a complaint of</p> <p>12 discrimination. Correct?</p> <p>13 A. No.</p> <p>14 Q. She did not?</p> <p>15 A. No.</p> <p>16 Q. Okay. We'll get into that.</p> <p>17 How do you know Harriet Lane?</p> <p>18 A. Harriet Lane was employed from an</p> <p>19 acquisition that we were looking into.</p> <p>20 Q. Uh-huh.</p> <p>21 A. And she elected to join our company</p> <p>22 before the acquisition went into -- officially was</p> <p>23 done. And we interviewed her at that point.</p> <p>24 Q. Okay.</p> <p>25 A. And she joined our organization as an</p>
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<p>1 resource manager?</p> <p>2 A. I am, yes. But we're now called senior</p> <p>3 human resources business managers.</p> <p>4 Q. Golly. Senior human resources -- I tell</p> <p>5 you, your company has a lot of titles that are</p> <p>6 confusing.</p> <p>7 A. Yes.</p> <p>8 Q. Senior -- say it again. Senior what?</p> <p>9 A. Senior human resources business manager.</p> <p>10 Q. Human resources business manager.</p> <p>11 When did you assume that title?</p> <p>12 A. 2017.</p> <p>13 Q. Okay. And in your current position, do</p> <p>14 you conduct investigations of complaints of</p> <p>15 discrimination that an employee may bring?</p> <p>16 A. In my current role, no.</p> <p>17 Q. In your past roles, have you?</p> <p>18 A. Yes.</p> <p>19 Q. During the time period that Ms. Lane, my</p> <p>20 client, was employed with Siemens, were you</p> <p>21 responsible for conducting investigations of</p> <p>22 discrimination complaints?</p> <p>23 A. Yes, if I received any.</p> <p>24 Q. Okay. Do you recall doing -- strike</p> <p>25 that.</p>	<p>1 auditor.</p> <p>2 Q. Okay. Were you responsible for any of</p> <p>3 her hiring decisions?</p> <p>4 A. Yes, along with the manager at the time</p> <p>5 who was making the decision to hire Harriet.</p> <p>6 Q. I see. Who was that manager?</p> <p>7 A. Hector Torrez.</p> <p>8 Q. Hector Torrez. Was there an African</p> <p>9 American female manager before Torrez that you're</p> <p>10 aware of?</p> <p>11 A. Yes.</p> <p>12 Q. You didn't work with her, did you?</p> <p>13 A. Yes, I did.</p> <p>14 Q. Okay. What was her name?</p> <p>15 A. Ayanna Brown.</p> <p>16 Q. Okay. In your capacity as an employee</p> <p>17 of Siemens, how many investigations, period, have</p> <p>18 you conducted?</p> <p>19 MS. GRANT: Objection; form.</p> <p>20 Q. (By Mr. Bail) Any type of</p> <p>21 investigation.</p> <p>22 A. There were different kinds of</p> <p>23 investigations that I've done.</p> <p>24 Q. Okay. What type of investigations do</p> <p>25 you do?</p>

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<p>1 A. Those that have to do mainly around 2 performance. Those are the ones that I've been 3 involved in. 4 Q. Okay. How many individuals have you 5 been involved with their personal -- well, strike 6 that. What does PIP stand for in human resources? 7 A. Performance improvement plan. 8 Q. Okay. How many employees have you 9 worked with on their performance improvement plans? 10 A. Several. 11 Q. Can you name them? 12 A. The employees themselves? 13 Q. Uh-huh. 14 A. Probably if I pull up my computer, yes. 15 Q. Okay. 16 A. But offhand -- 17 Q. Well, let's do this. How many employees 18 under the supervision of Donna Wilson have you 19 worked with them with regards to their PIPs? 20 A. None, other than Harriet. 21 Q. Harriet. Okay. But it's your testimony 22 today that you have not worked on an investigation 23 regarding a discrimination complaint of any employee 24 at Siemens. 25 A. That's correct.</p>	<p>1 discrimination. I will provide my feedback in 2 separate communication that I ask be attached to my 3 HR records or this file. 4 Q. Okay. So Harriet Lane is complaining 5 about discrimination here. Correct? 6 A. This is the first. 7 Q. Right. 8 A. That's correct. 9 Q. But earlier you testified that you had 10 never seen anything regarding discrimination from 11 any other employee. Correct? 12 A. That is correct. 13 Q. But here it says contrary to what you 14 testified to. Correct? It's a discrimination 15 complaint from Harriet Lane. 16 A. It is a discrimination complaint. But 17 you asked if -- this is in reference to Harriet. 18 This is in reference to Harriet. 19 Q. Right. But earlier, I asked you if you 20 knew of any employee at Siemens that had filed a 21 discrimination complaint or you had been involved in 22 a discrimination complaint, you said none. 23 A. Harriet had not filed a discrimination 24 case until after the Safe Call. 25 Q. I didn't ask you when. I asked you if.</p>
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<p>1 Q. Okay. Can you please take a look at 2 this document? 3 MR. BAIL: We'll be marking that 4 No. 5. 5 (Exhibit No. 5 marked.) 6 (Document review.) 7 Q. (By Mr. Bail) Please let me know when 8 you've had a chance to review it. 9 A. I am finished. 10 Q. Okay. Have you ever seen this document 11 before? 12 A. Yes, I have. 13 Q. If you turn to Page 3 of the document, 14 does it have your signature on it? 15 A. Yes, it does. 16 Q. And do you see something in handwriting 17 under there? 18 A. I do. 19 Q. Do you know who wrote that? 20 A. Harriet. 21 Q. Okay. Can you please read it? 22 A. "The comments outlined do not provide 23 details of all the information provided during Safe 24 Call or investigation. I feel this is continued 25 harassment, intimidation, bullying and</p>	<p>1 So is it your testimony now that you 2 were involved with a discrimination complaint that 3 was filed by Harriet Lane? 4 A. I was a party to listening to the 5 discrimination case. There was an outside 6 investigator who came in and handled the claim that 7 Harriet made through a Safe Call. 8 Q. Who was the outside investigator? 9 A. Patti Davis. 10 Q. And Patti Davis, was she -- do you know 11 what the company is she works for? 12 A. She works for Siemens. She's outside of 13 your organization. 14 Q. Okay. She's not -- she's not another 15 company. 16 A. Oh, no. 17 Q. Okay. And did you have any -- strike 18 that. 19 What input did you have, if any, in 20 this -- what's been marked as Exhibit No. 5? 21 A. The Safe Call? 22 Q. Yeah. 23 A. The only thing I had any input is 24 providing Patti information as to what the manager 25 had stipulated as the issues. And that was what is</p>

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<p style="text-align: right;">Page 13</p> <p>1 incorporated in part of this as well, in this</p> <p>2 document.</p> <p>3 Q. Okay.</p> <p>4 A. Based on the feedback also from Harriet</p> <p>5 in her discussion with Patti Davis.</p> <p>6 Q. Okay. Did you make any recommendations?</p> <p>7 A. My recommendations are on the</p> <p>8 performance improvement plan.</p> <p>9 Q. Gotcha. Okay. And we're going to get</p> <p>10 to that. So what is the date on Exhibit No. 5?</p> <p>11 A. February the 13th, 2017.</p> <p>12 Q. Are you aware that Ms. Lane was on leave</p> <p>13 during that time period?</p> <p>14 A. No. She --</p> <p>15 MS. GRANT: Objection; form.</p> <p>16 A. Ms. Lane went on leave after a</p> <p>17 discussion that she had with Patti Davis, Patrik</p> <p>18 Hols and myself. Patti Davis was on a telephone</p> <p>19 call. Ms. Lane asked for input on the results of</p> <p>20 the Safe Call. I told her that we did not have the</p> <p>21 written final warning yet or the documentation</p> <p>22 around the findings. And she insisted that we -- if</p> <p>23 we could do a telephone call with Patti. This was</p> <p>24 prior to Patti going out on leave -- excuse me --</p> <p>25 Harriet going out on leave.</p>	<p style="text-align: right;">Page 15</p> <p>1 went on leave.</p> <p>2 Q. Isn't it true that she went out on leave</p> <p>3 and then she came back one day and you had told her</p> <p>4 that -- why are you here? You're not supposed to be</p> <p>5 here?</p> <p>6 MS. GRANT: Objection; form.</p> <p>7 A. I don't recall that.</p> <p>8 Q. (By Mr. Bail) You don't recall that?</p> <p>9 A. No.</p> <p>10 Q. Telling her, You're on FMLA, you're not</p> <p>11 supposed to be here.</p> <p>12 A. If she came in, I would definitely have</p> <p>13 told her that, You're on FMLA.</p> <p>14 Q. Okay. If she was on FMLA. Right?</p> <p>15 A. Yeah.</p> <p>16 Q. Okay.</p> <p>17 A. Because we -- you're not supposed to</p> <p>18 work while you're out on FMLA.</p> <p>19 Q. Correct. Okay.</p> <p>20 A. You want this one back?</p> <p>21 Q. Yeah. I didn't mark that one. I put</p> <p>22 the wrong one.</p> <p>23 A. Oh, okay. This is the one that we just</p> <p>24 looked at.</p> <p>25 MR. BAIL: Yeah, I don't want --</p>
<p style="text-align: right;">Page 14</p> <p>1 We also told Harriet during that</p> <p>2 time that based on the information from her manager</p> <p>3 and the findings, we will be putting her on a</p> <p>4 performance improvement plan. Again, that was prior</p> <p>5 to her going out on leave. The next day, Ms. Lane</p> <p>6 did not come into work after we'd had that</p> <p>7 discussion and I met with the leadership team, which</p> <p>8 was Patrik Hols and Melissa, and explained that when</p> <p>9 Ms. Lane returned from her leave, we would give her</p> <p>10 the verbal written warning from the Safe Call and</p> <p>11 she would be put on her performance improvement</p> <p>12 plan.</p> <p>13 Q. Okay. What evidence do you have,</p> <p>14 besides your testimony, that you instructed -- that</p> <p>15 you advised Ms. Lane that she was going to be put on</p> <p>16 a PIP prior to her going on leave?</p> <p>17 A. She was sitting in the room. Patti</p> <p>18 Davis was also a witness to that conversation.</p> <p>19 Patrik Hols was a witness to that conversation that</p> <p>20 we had.</p> <p>21 Q. And that was -- do you know what date</p> <p>22 that was?</p> <p>23 A. That was in -- before she went out, a</p> <p>24 few days before. I cannot give you the exact date,</p> <p>25 but that was before -- it was the day before she</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. GRANT: Yeah. He marked it as</p> <p>2 an exhibit.</p> <p>3 MR. BAIL: I just want you to keep</p> <p>4 it.</p> <p>5 Q. (By Mr. Bail) Here. This is the one</p> <p>6 you were alluding to earlier.</p> <p>7 A. Yes. This is the performance</p> <p>8 improvement plan.</p> <p>9 Q. Can you please identify the document</p> <p>10 that's before you now?</p> <p>11 A. Yes. It's the performance improvement</p> <p>12 plan that was issued to Harriet Lane on May</p> <p>13 the 22nd, 2017.</p> <p>14 (Exhibit No. 6 marked.)</p> <p>15 Q. (By Mr. Bail) And on this performance</p> <p>16 improvement plan, does your name appear anywhere on</p> <p>17 it?</p> <p>18 A. Yes, it does, at the top under the cc.</p> <p>19 And then also on the second page, where I initiated</p> <p>20 [sic] "Employee refused to sign," and dated it</p> <p>21 5-24-2017. Then I had her new manager sign</p> <p>22 underneath my name, which is Donna Wilson.</p> <p>23 Q. Okay.</p> <p>24 A. Again, May 22nd, 2017, is the date.</p> <p>25 Q. Was that the date that my client</p>

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<p>1 returned to work for Siemens?</p> <p>2 A. No. That was -- the 24th is when she</p> <p>3 returned.</p> <p>4 Q. Okay. So and this --</p> <p>5 A. And she actually signed it at the</p> <p>6 bottom.</p> <p>7 Q. The 24th, yeah.</p> <p>8 A. Yes.</p> <p>9 Q. Did you prepare this document?</p> <p>10 A. I did.</p> <p>11 Q. Okay.</p> <p>12 A. And I shared the information with</p> <p>13 Mr. Hols and Ms. Donna Wilson.</p> <p>14 Q. Okay.</p> <p>15 A. Based on the information that I had</p> <p>16 received from Melissa King, who was the former</p> <p>17 manager.</p> <p>18 Q. Okay. Gotcha. Did you ever interview</p> <p>19 Melissa Shovelski, who is a coworker of my client?</p> <p>20 A. I did not.</p> <p>21 Q. Okay. Did you interview any of my</p> <p>22 client's coworkers to see if there was any truth to</p> <p>23 her claim of gender discrimination?</p> <p>24 MS. GRANT: Objection; form.</p> <p>25 A. No.</p>	<p>1 It says here she was the finance</p> <p>2 manager at the time this PIP was created. Correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Okay. Do you recall who else she</p> <p>5 managed during that time period besides my client?</p> <p>6 A. I don't -- I know she had at least three</p> <p>7 direct reports. I can't name them for you, it's</p> <p>8 been a while. But I do know we have a -- what we</p> <p>9 call the rule of three. You had to have at least a</p> <p>10 minimum of three direct reports to have the manager</p> <p>11 classification.</p> <p>12 Q. Ah, gotcha.</p> <p>13 A. I just don't know who those individuals</p> <p>14 were besides Harriet.</p> <p>15 Q. Let me see if I can help you out with</p> <p>16 that. Does that help refresh your memory?</p> <p>17 (Handing.)</p> <p>18 A. Oh, yes. Carrie Janak, Samantha</p> <p>19 Briceno. I don't know -- Carrie I know more than I</p> <p>20 do Samantha.</p> <p>21 Q. And Harriet.</p> <p>22 A. And Harriet, yes.</p> <p>23 Q. Okay.</p> <p>24 MR. BAIL: Can we mark that as</p> <p>25 Exhibit No. 7.</p>
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<p>1 Q. (By Mr. Bail) Okay. And Donna Wilson,</p> <p>2 how do you know her?</p> <p>3 A. Donna Wilson is a manager in the finance</p> <p>4 organization.</p> <p>5 Q. Okay.</p> <p>6 A. She succeeded Melissa in becoming her</p> <p>7 manager.</p> <p>8 Q. When did you first meet her?</p> <p>9 A. When I first met who?</p> <p>10 Q. Donna Wilson.</p> <p>11 A. I've known Donna for quite a while.</p> <p>12 She's been at the organization for quite a while.</p> <p>13 Q. Okay. That's what I want to know. I</p> <p>14 don't know her?</p> <p>15 A. I mean, I -- I can't give you the exact</p> <p>16 date.</p> <p>17 Q. Yeah. Sure.</p> <p>18 A. But, I mean, she's been -- she was part</p> <p>19 of Siemens Health -- it's called Healthineers now.</p> <p>20 But she came from the medical division into our</p> <p>21 organization, a highly respected finance manager.</p> <p>22 Q. Okay.</p> <p>23 A. And we brought her over.</p> <p>24 Q. When she assumed the role of -- strike</p> <p>25 that.</p>	<p>1 (Exhibit No. 7 marked.)</p> <p>2 Q. (By Mr. Bail) The chart before you</p> <p>3 is -- you see the name "Samantha Briceno"?</p> <p>4 A. Yes.</p> <p>5 Q. Is she African American or Caucasian or</p> <p>6 Hispanic?</p> <p>7 A. To be honest, I don't know.</p> <p>8 Q. Okay.</p> <p>9 A. I don't know.</p> <p>10 Q. What about Carrie Janak?</p> <p>11 A. Carrie, I do know, is Caucasian.</p> <p>12 Q. Caucasian. Okay. You see where it</p> <p>13 says -- at the bottom right-hand corner of this</p> <p>14 document, it says -- there's an asterisk. It says</p> <p>15 "Auditor role moving to the quality organization."</p> <p>16 A. That, I don't know anything about.</p> <p>17 Q. Okay. Thanks. Did you have any</p> <p>18 discussions -- strike that. Do you know who Bill</p> <p>19 Piatt is?</p> <p>20 A. I do. He is the quality manager.</p> <p>21 Q. Okay. And how long have you known Bill?</p> <p>22 A. Since I moved to that organization in</p> <p>23 2010.</p> <p>24 Q. Okay. And other than my client making</p> <p>25 complaints about Bill, have you been involved with</p>

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<p>1 any other employee who also complained about Bill's</p> <p>2 behavior towards them?</p> <p>3 A. No.</p> <p>4 Q. Did Bill have any input whatsoever in</p> <p>5 the performance improvement plan of Harriet Lane?</p> <p>6 A. Not at all.</p> <p>7 Q. And just for the record, you had nothing</p> <p>8 to do with my client's termination. Correct?</p> <p>9 A. That is correct.</p> <p>10 Q. At that time, you were --</p> <p>11 A. I was not part of the organization at</p> <p>12 that time.</p> <p>13 Q. Okay. Where were you?</p> <p>14 A. I had transitioned into a promotion to</p> <p>15 the service side of the business.</p> <p>16 Q. Is that where you're at now?</p> <p>17 A. That's correct.</p> <p>18 Q. Is that in Florida?</p> <p>19 A. No. That's actually in -- it's in</p> <p>20 Houston. It's off of the Sam Houston Parkway. It's</p> <p>21 the old Dresser-Rand facility.</p> <p>22 Q. My dad used to work for Dresser when we</p> <p>23 first came to this country. It's been around for a</p> <p>24 long time.</p> <p>25 A. It has.</p>	<p>1 who are getting laid off.</p> <p>2 A. It varies. For instance, if the</p> <p>3 business is struggling, which is the case with the</p> <p>4 new unit, the business unit head and HR sit down and</p> <p>5 they talk about what they need to do to get the</p> <p>6 numbers to align to meet their targets.</p> <p>7 So, for instance, if you're laying</p> <p>8 off a -- individuals out of each department, which</p> <p>9 is possible, then you decide who those individuals</p> <p>10 are based on performance and business need and you</p> <p>11 make the decision to include them in the reduction</p> <p>12 in force.</p> <p>13 Q. Okay.</p> <p>14 A. But I don't know the reasons that were</p> <p>15 selected for this particular reduction that involved</p> <p>16 Harriet because I was not included.</p> <p>17 Q. Understood. We're speaking in general</p> <p>18 terms here.</p> <p>19 A. I can say on my side of the business,</p> <p>20 we're performing extremely well. So services has</p> <p>21 not had to do any reductions. The business that</p> <p>22 Harriet is in is called new unit. And they have</p> <p>23 done a lot of reductions.</p> <p>24 Q. Since what time period?</p> <p>25 A. I would say since 2017 through</p>
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<p>1 Q. Did you have any -- during the time</p> <p>2 period of 2016, 2017, did you supervise anybody?</p> <p>3 A. I did. Well, I -- how do I say this? I</p> <p>4 had direct reports dotted-line to me as far as my</p> <p>5 supervision.</p> <p>6 Q. Uh-huh.</p> <p>7 A. But then 2017, when I transitioned to</p> <p>8 the new role, I picked up four individuals.</p> <p>9 Q. Okay. And who are those individuals?</p> <p>10 A. They are Don Smith, Andrew Farren,</p> <p>11 Melinda Romine and Kristina Beyer. Those were all</p> <p>12 the Dresser-Rand HR people, except for Don, who</p> <p>13 joined my team.</p> <p>14 Q. Okay. Did any of those individuals work</p> <p>15 on Harriet Lane's case?</p> <p>16 A. No.</p> <p>17 Q. Okay.</p> <p>18 A. The HR admin support people responded to</p> <p>19 a call that I received.</p> <p>20 Q. Okay. What -- what notices are</p> <p>21 generally given to Siemens employees that they're</p> <p>22 going to be laid off?</p> <p>23 A. It varies.</p> <p>24 Q. Please explain the different ways</p> <p>25 Siemens handles separations of employment for people</p>	<p>1 present --</p> <p>2 Q. Okay.</p> <p>3 A. -- there's been reductions. They have</p> <p>4 been -- if they're not reductions, they have had</p> <p>5 people -- what do I want to say -- natural</p> <p>6 attrition, leave on their own because they could see</p> <p>7 that the business wasn't doing well.</p> <p>8 Q. Okay.</p> <p>9 A. But, again, I don't know what the</p> <p>10 circumstances were that included her in this</p> <p>11 reduction.</p> <p>12 Q. Okay. Is there something called a</p> <p>13 60-day notice?</p> <p>14 A. 60-day notice is only used when you have</p> <p>15 50 or more people being impacted.</p> <p>16 Q. Okay.</p> <p>17 A. That's the warn notice. And part of</p> <p>18 it -- again, I don't think they reached those kind</p> <p>19 of numbers. That would have pretty much decimated</p> <p>20 the group over there.</p> <p>21 Q. Explain the group, if you could, the</p> <p>22 structure of the individuals that worked with</p> <p>23 Harriet and the individuals that were above Harriet</p> <p>24 as of February -- February 2017 at the time period</p> <p>25 that Donna Wilson became her supervisor?</p>

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<p>1 A. Donna's organization is pretty much what 2 you see in here. 3 Q. Okay. 4 A. Bill's organization, he had field 5 quality people. I don't recall the exact number of 6 people that were part of Bill's organization. 7 Q. Uh-huh. Does this help you out? 8 (Handing.) 9 A. Yeah, those are the inspectors, the 10 field guys. Silvia's quality control. And then -- 11 I didn't know about Marlon being a quality engineer, 12 but, again, it's been a while. 13 Q. Okay. 14 MS. GRANT: Do we want to mark that 15 as an exhibit? 16 MR. BAIL: Yeah. That's Exhibit 17 No. 8. 18 (Exhibit No. 8 marked.) 19 Q. (By Mr. Bail) So you had just mentioned 20 two organizational structures there between who 21 Donna supervised and then who Bill Piatt supervised. 22 Correct? 23 A. Yes. 24 Q. Are those the two groups of people that 25 Harriet would be working with?</p>	<p>1 Q. Do you recall if Harriet ever gave you 2 names of witnesses to contact? 3 A. No, she didn't. 4 Q. Okay. 5 A. No, she didn't. 6 Q. What did you do in terms of -- to 7 investigate any claims that my client had made about 8 discrimination? 9 A. I didn't hear actual claims of 10 discrimination until -- Harriet came into my office 11 regarding wanting an extension of PTO. And I 12 explained to Harriet the rules. And she got a 13 little upset, said that I was taking the manager's 14 side versus her side. And I explained to Harriet 15 that I look at the rules and apply them across the 16 board, whether it's the manager or the employee. 17 She didn't like that. And at that point, Harriet 18 said that she was going to call -- at the time it 19 was called Tell Us, it's now called Safe Call. And 20 she was going to make a Tell Us case. And I said, 21 Harriet, if that's what you feel you need to do, do 22 so. 23 Q. Okay. Was this conversation before or 24 after the February 13th PIP? 25 A. That was before.</p>
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<p>1 A. Actually, Harriet worked with the whole 2 facility as an auditor. It's not just one 3 particular group. 4 Q. Okay. 5 A. You know, she audited engineering. 6 There were even portions that HR was involved in 7 from an audit standpoint, so it was the whole 8 business that Harriet -- 9 Q. So there's a lot of work to do. 10 A. Depending on if the business is doing 11 well -- 12 Q. Right. 13 A. -- yes, there could be. 14 But part of our business required 15 the packaging and the instruments coming in. And 16 that was -- being new unit, that was part of the 17 issue. There wasn't a backlog of work. 18 And as I shared with my boss when I 19 took this new role, I could see that the work was 20 really trailing off. 21 Q. Uh-huh. 22 A. And that's part of the reason why I 23 looked for a new opportunity. 24 Q. Gotcha. Within the organization. 25 A. Correct.</p>	<p>1 Q. I'm sorry. Before or after the 2 February 13th warning? 3 A. Before. 4 Q. Before. 5 A. And part of -- Harriet, again, we 6 talked -- I talked to Harriet about that the rules 7 apply to her like they do every employee -- 8 Q. Okay. 9 A. -- whether it's a manager or an 10 individual contributor. 11 Q. So prior to her receiving the verbal 12 warning -- strike that. 13 Did this conversation happen with 14 Harriet before or after she went on leave? 15 A. Before. 16 Q. Okay. Did you make any of her 17 supervisors aware that she had complained about 18 discrimination at that time? 19 A. Melissa King. 20 Q. Okay. 21 A. And, again, Melissa, if you know -- 22 well, you don't know her. She was a very -- she was 23 a very good manager. She applied the rules to all 24 of her direct reports, not just Harriet. 25 The thing that baffled me about</p>

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<p>1 Harriet was she was looking for exceptions to the</p> <p>2 rule. We gave her the PTO policy numerous times.</p> <p>3 Q. Well, isn't it true that her prior</p> <p>4 supervisor, who was an African American female,</p> <p>5 allowed her to do some of the things she was asking</p> <p>6 for, the exceptions?</p> <p>7 A. Yes. And you need to make note that</p> <p>8 Ayanna Brown, that was her first time being a</p> <p>9 manager. She had never managed before.</p> <p>10 Q. Okay.</p> <p>11 A. And I had numerous discussions with her</p> <p>12 in regards to the rules.</p> <p>13 Q. Gotcha. But you didn't take it upon</p> <p>14 yourself to contact any of my client's coworkers to</p> <p>15 see if they were feeling that they were</p> <p>16 discriminated against or if Bill was part of the</p> <p>17 problems?</p> <p>18 A. We do what we call a survey. And a</p> <p>19 survey was initiated on the department, but the</p> <p>20 feedback did not come back negative.</p> <p>21 Q. Okay.</p> <p>22 A. And that's what we base our -- one of</p> <p>23 the things that we look at. We also do what we call</p> <p>24 an upward feedback, where the managers are given</p> <p>25 feedback from the direct reports about things in</p>	<p>1 Q. Okay.</p> <p>2 MR. BAIL: I pass the witness.</p> <p>3 MS. GRANT: I just have a couple of</p> <p>4 quick follow-up questions.</p> <p>5 EXAMINATION</p> <p>6 QUESTIONS BY MS. ASHLEE GRANT:</p> <p>7 Q. Did Harriet ever complain to you</p> <p>8 specifically that she felt she was being treated</p> <p>9 differently because of her race?</p> <p>10 A. No.</p> <p>11 Q. Did Harriet ever complain to you that</p> <p>12 she felt she was being treated differently because</p> <p>13 of her gender?</p> <p>14 A. No.</p> <p>15 MS. GRANT: I have no further</p> <p>16 questions.</p> <p>17 MR. BAIL: Pass the witness.</p> <p>18</p> <p>19</p> <p>20 *****</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 line to their performance. We didn't get anything</p> <p>2 to submit.</p> <p>3 Q. Okay. Do you know who Melissa Shovelski</p> <p>4 is?</p> <p>5 A. I know of her. I -- I think she's part</p> <p>6 of the project management team.</p> <p>7 Q. Uh-huh.</p> <p>8 A. She loved -- I remember her coming to me</p> <p>9 saying she loved working for Siemens, she loved her</p> <p>10 job.</p> <p>11 Q. That is true. Would you be surprised to</p> <p>12 know that she just recently testified that she felt</p> <p>13 that Bill Piatt was discriminating against her?</p> <p>14 MS. GRANT: Objection; form.</p> <p>15 A. I would be surprised.</p> <p>16 Q. (By Mr. Bail) You would be surprised?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. She did.</p> <p>19 MS. GRANT: Objection; form.</p> <p>20 Q. (By Mr. Bail) Would it have been</p> <p>21 beneficial for you to have interviewed her?</p> <p>22 A. I don't understand why. She does not --</p> <p>23 she's not part of that organization. And I had no</p> <p>24 complaint from her or anyone in regards to</p> <p>25 discrimination.</p>	<p>1 CHANGES AND SIGNATURE</p> <p>2 WITNESS NAME: DATE OF DEPOSITION:</p> <p>3 LINDA HUBBARD FEBRUARY 6, 2020</p> <p>4 PAGE LINE CHANGE REASON</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 Job No. 18929</p>

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<p>1 I, LINDA HUBBARD, have read the 2 foregoing deposition and hereby affix my signature 3 that same is true and correct, except as noted 4 herein. 5 6 _____ 7 LINDA HUBBARD 8 9 STATE OF) 10 COUNTY OF) 11 12 BEFORE ME, _____, on this day 13 personally appeared LINDA HUBBARD, known to me 14 (proved to me on the oath of 15 _____ or through 16 _____ (description of identity 17 card or other document) to be the person whose name 18 is subscribed to the foregoing instrument and 19 acknowledged to me same was executed for the 20 purposes and consideration therein expressed. 21 Given under my hand and seal of office this _____ 22 day of _____, _____. 23 24 NOTARY PUBLIC IN AND FOR 25 THE STATE OF _____ Job No. 18929</p>	<p>1 and Signature Page contains any changes and the 2 reasons therefor; 3 _____ was not requested by the 4 deponent or a party before the completion of the 5 deposition. 6 I further certify that I am neither 7 attorney nor counsel for, related to, nor employed 8 by any of the parties to the action in which this 9 testimony was taken. Further, I am not a relative 10 or employee of any attorney of record in this cause, 11 nor am I financially or otherwise interested in the 12 outcome of the action. 13 Subscribed and sworn to on this the 14 10th day of February, 2020. 15 16 17 18 19 20 _____ 21 MICHELLE PROPPS, CSR 22 Expiration Date 10-31-21 23 Hanna & Hanna, Inc. 24 Firm Registration No. 10434 25 8582 Katy Freeway, Suite 105 Houston, Texas 77024 713.840.8484 www.hannareporting.com</p>
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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 HOUSTON DIVISION 4 HARRIET LANE,) 5) 6 Plaintiff,) 7 VS.) C.A. NO. 4:19-cv-00435 8) 9 SIEMENS ENERGY, INC.,) 10) 11 Defendant.) 12) 13 REPORTER'S CERTIFICATION 14 ORAL DEPOSITION OF 15 LINDA HUBBARD 16 FEBRUARY 6, 2020 17 I, MICHELLE R. PROPPS, Certified 18 Shorthand Reporter in and for the State of Texas, 19 hereby certify to the following: 20 That the witness, LINDA HUBBARD, 21 was duly sworn by the officer and that the 22 transcript of the oral deposition is a true record 23 of the testimony given by the witness; 24 I further certify that pursuant to 25 FRCP Rule 30 (f) (1) that the signature of the deponent: ____X____ was requested by the deponent or a party before the completion of the deposition and returned within 30 days from date of receipt of the transcript. If returned, the attached Changes</p>	

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